

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

EDWARD EMMETT CORKER,

Plaintiff,

v.

Case No. 1:10-cv-1064 BB/WDS

**JOHN HARRIS, Deputy Warden, Valencia
County Detention Center,**

Defendant.

ORDER

THIS MATTER comes before the Court on Plaintiff's request to reconsider previous denials of appointment of counsel (Doc. 31), filed November 3, 2011, and on his "Motion for Continuance" (Doc. 33), filed January 4, 2012.

Plaintiff requests the Court reconsider two previous denials of appointment of counsel. As grounds for reconsideration, Plaintiff asserts he is in a facility where the law library is classified as "condensed" and does not contain federal material. (Doc. 31 at 1.)

The request for reconsideration is denied. The Court previously determined that Plaintiff appears to understand the issues in the case and is representing himself in an intelligent and capable manner. (Doc. 25 at 4.) This still appears to be the case. Furthermore, Plaintiff has since been discharged from incarceration and has stated his intent to travel to New Mexico to obtain evidence and conduct research (Docs. 33, 34), further indicating his ability to pursue this case without the need for appointed counsel.

In his "Motion for Continuance" (Doc. 33), Plaintiff requests a 60-day extension to oppose summary judgment and respond to the *Martinez* report. Defendant John Harris agrees to a 30-day extension, but opposes a 60-day extension. (Doc. 37.) The Court finds a reasonable extension is warranted and will allow Plaintiff until March 13, 2012 to respond to the *Martinez* report.

Plaintiff also requests the Court review the record because it appears neither Joe Chavez nor the Valencia County Attorney's Office has been served. (Doc. 33 at 2.) There is no need to serve either. Plaintiff's claims against Joe Chavez have been dismissed. (Doc. 38.) Neither Valencia County, nor the County Attorney's Office is a party to this action.

IT IS THEREFORE ORDERED as follows:

Plaintiff's motion to appoint counsel (Doc. 31) is DENIED;

Plaintiff's "Motion for Continuance" is GRANTED to the extent that Plaintiff shall have an extension to **March 13, 2012**, to respond to the *Martinez* report, and DENIED in all other respects.



W. DANIEL SCHNEIDER
UNITED STATES MAGISTRATE JUDGE